

NOTE: THIS LOT IS NOT LOCATED ON ANY EXISTING FLOODPLAIN OR FLOODWAY AS SHOWN ON THE CURRENT EFFECTIVE FIRM MAP, CITY OF N/A, BEXAR COUNTY, TEXAS. PANEL NO. 480045-0001 B, DATED 12/15/83.

BEING 14.65 ACRES OUT OF THE REMNANTS OF A 200 ACRE TRACT BEING OUT OF THE R. ORTEGA SURVEY NO. 435, COUNTY BLOCK 4546, THE JOSE MARIA PEREZ SURVEY NO. 436, COUNTY BLOCK 4723, THE C. BRENNON SURVEY NO. 433-1/2, COUNTY BLOCK 4722, THE JASPER WOOLDRIDGE SURVEY NO. 600, COUNTY BLOCK 4548, AND THE COMANCHE CREEK IRRIGATION COMPANY SURVEY NO. 437, COUNTY BLOCK 4724, BEXAR COUNTY, TEXAS.

BASIS OF BEARING IS THE PLAT OF RECORD IN VOLUME 8600, PAGE 76, PLAT RECORDS OF BEXAR COUNTY, TEXAS.

IRON RODS FOUND AT ALL CORNERS UNLESS NOTED OTHERWISE.



STATE OF TEXAS  
COUNTY OF BEXAR

I HEREBY CERTIFY THAT THE ABOVE PLAT REPRESENTS AN ACTUAL SURVEY MADE ON THE GROUND BY PEOPLE WORKING UNDER MY DIRECT SUPERVISION AND THIS DRAWING CONFORMS TO THE MINIMUM STANDARDS OF SURVEY PRACTICES AS SET OUT BY THE TEXAS BOARD OF LAND SURVEYING AS OF THIS DATE.

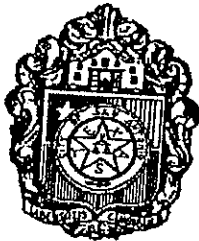
THIS 3RD DAY OF SEPTEMBER, 1986 A.D.  
 KEVIN CONROY  
 R.P.L.S. NO. 4198

REFERENCE: VOL. 1834, PG 37 - 200 ACRES



SCALE: 1" = 300'

JOB NO. 10402-00-00



City of San Antonio  
New  
Vested Rights Permit  
APPLICATION

Permit File: # 04-10-012  
Assigned by city staff

Date: \_\_\_\_\_

1. All applicable information on application must be legibly printed or typed for processing. If application is completed on behalf of the property owner please attach power of attorney or letter of agent.
2. Please complete this application and attach 2 maps of the property and 2 sets of all supporting documents.

**Note: All Applications must have a Site Map showing the Area Boundary (Attached).**

Owner/Agent: Sharry Evans-Agent Phone: 479 1010 Fax: 479 9494

Address: 13406 Gable Village, S.A. Texas Zip code: 78231

Engineer/Surveyor: MBC Engineers/Dave Allen Phone: 545 1122 Fax: \_\_\_\_\_  
Address: 1035 Central Parkway North, S. A. Tx Zip code: 78232

1. Name of Project: \_\_\_\_\_
2. Site location or address of Project: Field Notes Attached (14.31 acre site located on Chase Hill and Babcock Road, San Antonio, Texas)

3. Council District 8 ETJ x Over Edward's Aquifer Recharge? (X) yes ( ) no

4. What is the specific purpose of this Project and the expected use(s) to be created by this Project (type of development, number of buildings, type of building(s), specific use(s) of those buildings, etc.)? Please be aware that the city must understand exactly what this Project is expected to accomplish in order to evaluate this application.  
Not yet determined by owner. Type of project will be consistent with  
zoning and platting.

5. What is the date the applicant claims rights vested for this Project? 8/24/94  
Master Plan submitted by Kuper-Properties. June 8, 1972 Approved by City Council.
6. What, if any, construction or related actions have taken place on the property since that date? Platting of property and dedication of property to City of San Antonio for roadway.

7. By what means does the applicant claim rights vested for this Project? *Please specify all that may be applicable.*

• **PERMIT**

Type of Permit: Development Rights Permit Date of Application: 2/16/98

Permit Number: 064 Date issued: 3/24/98

Expiration Date: 9/1/2007 Acreage: 14.93

• **MASTER DEVELOPMENT PLAN (MDP) (Formerly POADP)\***

accepted *prior to September 1, 1997* are subject to permit right conditions within 18 months from the effective date of the development rights ordinance (9/25/97) and projects submitted *after September 1, 1997* are subject to 18 months for the POADP acceptance date.

Name: Kuper Properties Development Inc. #

Date accepted: 1972 Expiration Date:  MDP Size: ±2000 acres

• **P.U.D. PLAN**

Name:  #

Date accepted:

• **Plat Application**

Plat Name: Fiesta View Subdivision Plat # 940550 Acreage: 14.93

Date submitted: 8/24/94 Expiration Date:

(Note: Plat must be approved within 18 months of application submittal date).

• **Approved Plat**

Plat Name: Fiesta View Subdivision Plat # 940550 Acreage: 14.31 Approval

Date: 9/14/98 Plat recording Date: 4/23/03 Expiration Date:  Vol./Pg. 9557/80

(Note: If plat is not recorded within 3 years of plat approval permit rights will expire).

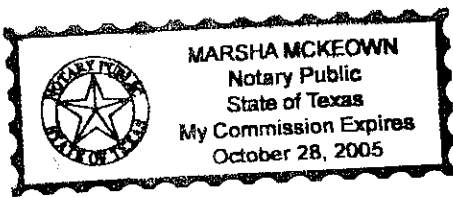
• **Other**

**NOTE: Filing a knowingly false statement on this document, or any attached document, is a crime under §37.02 and §37.10 of the Texas Penal Code, punishable as a state jail felony by up to two years in jail and fine of up to \$10,000.**

I hereby certify that all information this Application and the attached documents is true and correct and that it is my belief the property owner is entitled to Vested Rights for this Project. Information is true and correct to the best of my knowledge and from information provided by others.

Print name: Sharry Evans Signature: Sharry Evans Date: 10-14-03

Sworn to and subscribed before me by Sharry Evans on this 14th day of October in the year 2003, to certify which witness my hand and seal of office.



Permit File # 04-10-012

Marsha McKeown  
Notary Public, State of Texas

City of San Antonio use

Permit File: # 04-10-012  
Assigned by city staff

Date: \_\_\_\_\_

☒ Approved

☐ Disapproved

Review By: *mt*

Date: 2/6/04

Comments: ~~Copy of memo from City Attorney, Jane Macon to City Council dated November 10, 1977. Re: DETERMINATION OF VESTED RIGHTS GRANTED~~

~~Copy of letter from San Antonio Water Systems to Sherry Evans, dated April 30, 1999. Re: San Antonio Water System Recognizes and acknowledges Vested Capacity Rights.~~

AS OF PLAT APPLICATION  
DATE: 8/24/1994 FOR THIS  
PROJECT (ONLY)

C R E E K S T O N E



October 8, 2003

City of San Antonio  
c/o Sharry Evans, Agent  
13406 Gable Village,  
San Antonio, Texas 78231

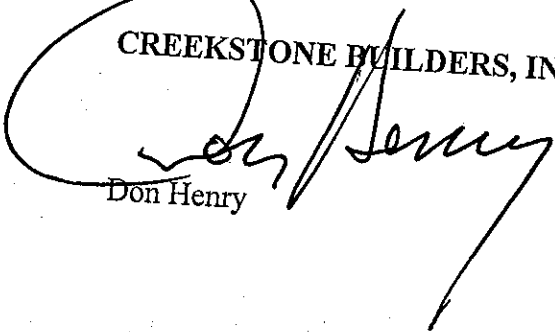
Re: 14.93 Acre Tract  
Chase Hill & Babcock Road  
Plat # 940550

To whom it may concern:

Please allow this letter to act as our authorization for Sharry Evans, 13406 Gable Village, San Antonio, Texas 78231, to act as our agent in the submittal of this Vested Rights Permit Application.

Sincerely,

CREEKSTONE BUILDERS, INC.

  
Don Henry

4545 Post Oak Place ♦ Suite 100  
Houston, Texas 77027  
tel 713-621-5300 ♦ fax 713-621-8078

## FIELD NOTES FOR 14.65 ACRES

**BEING** 14.65 acres of land out of a 200 acre tract being out of the R. Ortega Survey No. 435, County Block 4546, the Jose Maria Perez Survey No. 436, County Block 4723, the C. Brennon Survey No. 433-1/2, County Block 4722, the Jasper Wooldridge Survey No. 600, County Block 4548, and the Comanche Creek Irrigation Company Survey No. 437, County Block 4724, Bexar County, Texas said 200 acre tract being of record in Volume 1834, Page 37 of the Real Property Records of Bexar County, Texas said 14.65 acres being particularly described by metes and bounds as follows:

**BEGINNING** at a set iron rod at the intersection of Chase Hill And Babcock Road being in the southwest right-of-way of said Chase Hill at the easterly end of a curve return for the northeast corner of this tract;

**THENCE** South  $51^{\circ} 56' 11''$  East, a distance of 429.46 feet, with said right-of-way, to a found iron rod for a point of curvature;

**THENCE** with a curve to the right having a radius of 1986.78 feet, a central angle of  $20^{\circ} 15' 00''$ , and a length of curve of 702.18 feet to a found iron rod for a point of reverse curvature;

**THENCE** with a curve to the left having a radius of 1205.00 feet, a central angle of  $18^{\circ} 33' 00''$ , and a length of curve of 390.13 feet to a found iron rod for the northeast corner of University Hills Subdivision, Unit 1, being of record in Volume 7600, Page 222 of the Plat Records of Bexar County, Texas and the southeast corner of this tract;

**THENCE** South  $89^{\circ} 59' 49''$  West, a distance of 801.40 feet to a found iron rod in the easterly right-of-way of Babcock Road for the northwest corner of said subdivision and the southwest corner of this tract;

**THENCE** North  $12^{\circ} 29' 02''$  West, a distance of 46.88 feet, with said right-of-way, to a found iron rod for an angle point;

**THENCE** North  $08^{\circ} 36' 05''$  West, a distance of 176.76 feet to a found iron rod for an angle point;

**THENCE** North  $48^{\circ} 38' 31''$  West, a distance of 113.58 feet to a set iron rod for a point of curvature;

**THENCE** with a curve to the left having a radius of 603.69 feet, a central angle of  $10^{\circ} 39' 00''$ , a length of curve of 112.21 feet and a chord bearing and distance of North  $41^{\circ} 41' 17''$  West, a distance of 112.05 feet to a set iron rod for an angle point;

**THENCE** North  $47^{\circ} 00' 47''$  West, a distance of 252.10 feet to a set iron rod for a point of curvature;


**THENCE** with a curve to the right having a radius of 254.35 feet, a central angle of  $76^{\circ} 51' 03''$ , and a length of curve of 341.16 feet to a set iron rod for a point of tangency;

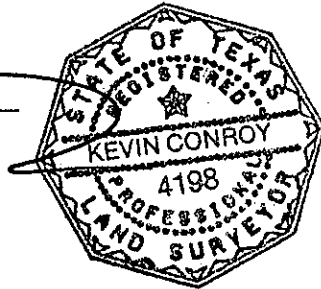
**THENCE** North  $29^{\circ} 50' 16''$  East, a distance of 246.59 feet to a set iron rod at the intersection of Babcock Road and Chase Hill for the northwest corner of this tract;

**THENCE** South  $60^{\circ} 10' 12''$  East, a distance of 12.61 feet to a set iron rod for the point of curvature of a non-tangential curve being the beginning of a curve return;

**THENCE** with a curve to the right having a radial bearing of South 60° 10' 22" East, a radius of 25.00 feet, a central angle of 98° 14' 11", and a length of curve of 42.86 feet to the POINT OF BEGINNING and containing 14.65 acres of land, more or less, in Bexar County, Texas.

ALAMO CONSULTING ENGINEERING  
& SURVEYING, INC.

  
Kevin Conroy, R.P.L.S.# 4198  
February 23, 1994  
Revised: July 20, 1998





TO: City Council  
 FROM: City Attorney  
 COPIES TO: Thomas E. Huebner, City Manager; George Vann, Jr., Director of Building & Zoning; Wendy U. Larsen, Ross, Hardies, O'Keeffe, Babcock & Parsons  
 SUBJECT: Determination of Vested Rights for Kuper Properties, Inc. Date November 10, 1977

On September 8, 1977, the City Council adopted Ordinance No. 48484 declaring a moratorium on development in the area designated as the Edwards Underground Aquifer Recharge Zone and Drainage Area. Sections 202 and 204 of Ordinance No. 48484 prohibit the issuance of building permits or plat approvals except for development proposals with lot sizes of five (5) acres or greater, unless an applicant has previously secured a determination of vested rights under Article 3 or interim development approval under Article 4.

Kuper Properties, Inc., has submitted an application for vested rights determination in regard to Western Hills Unit 3 and 50 acres of commercial and multi-family properties in University Hills, known as the Lee Tract, all within the City limits. Under Section 301 of Ordinance No. 48484, it is the policy of the City of San Antonio to permit development activity in the Edwards Underground Aquifer Recharge Zone and Drainage Area to continue during the effective period of the moratorium only when an applicant can demonstrate a prior act of government, upon which the applicant has relied to his detriment, such that it would be unfair to require the applicant to defer development until after the effective period of the ordinance.

The applicant alleges expenditures in reliance on the governmental acts of annexation in 1971, master plan approval in 1972, and rezoning of the subject parcels to R-6, R-3 and B-3 in 1973. While master plan approval is not ordinarily a sufficiently specific development approval upon which a developer would be warranted in relying, when coupled with specific rezoning at the developer's request, the resulting governmental act may be a sufficient basis for reliance. It should be pointed out, however, that rezonings may over a period of time be validly reconsidered by a government and may not be used to establish claim for vested rights.

The applicant has submitted evidence of expenditures for road, sewer and water service to service the proposed development. It is not possible to determine the injury that would result from these

expenditures if the developer does not complete his original development concept, and it may well be that development of this property after the effective period of this ordinance will utilize all improvements so that no injury will exist as a basis for vested rights. Nevertheless, Ordinance No. 48484 addresses the equities of making the applicant discontinue development during a limited period in light of the good faith reliance expenditures.

In evaluating the equities of the developer's request for a vested rights determination with respect to Unit 3, it is significant in relation to the purpose of Ordinance No. 48484 that the developer proposes to plat 164 units for single family houses in an area previously rezoned by the City to R-6 under which up to 1,400 units would have been allowed. Furthermore, the improvements which the developer has begun for this single family houses in an area previously rezoned by the City to R-6 under which up to 1,400 units would have been allowed. Furthermore, the improvements which the developer has begun for this single family subdivision are not useable by existing development in the area. Finally, it is relevant that the applicant's original request for vested rights related to 900 acres in contrast to this present application of 70 acres. The applicant has no other ongoing development.

The Lee Tract, abutting FM 1604 and Babcock Road, is a 200 acre parcel, 80 acres of which is zoned R-3 and 120 acres of which is zoned B-3. There is existing development within this parcel consisting of apartments and commercial uses, including two restaurants, an office building and a bank. The applicant now requests a finding of vested rights in the Lee Tract consisting of 15 acres for apartments and 35 acres for commercial uses. Included in the commercial acreage are 10 acres for a dormitory, 10 acres for a shopping center, 6 acres for additional bank expansion, 2 acres for a credit union, 1 acre each for a restaurant and convenience store and 5 acres for miscellaneous retail support services.

It is the opinion of this office that this applicant has demonstrated a claim to vested rights under the standard of Section 301 of Ordinance No. 48484 to develop Western Hills Unit 3 and 50 acres of the Lee Tract.

However, this opinion should not be construed as a determination of vested rights for any further increments of development and the applicant is hereby advised that future increments may be disapproved if necessary to protect the health, safety and welfare of the City of San Antonio, subject to consideration of the equities of the applicant and the public at the time. This opinion should not be relied upon as approval of any development plans other than those described in this application or for the expenditure of funds or incurrence of obligations

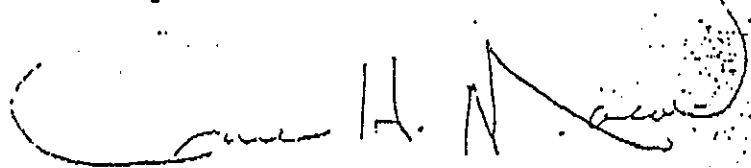
City Council

Page 3. (Determination of Vested Rights:

Kuper Properties, Inc.)

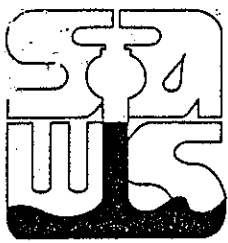
November 10, 1977

beyond those necessary for such development, and the applicant  
is hereby so notified.

A handwritten signature in dark ink, appearing to read "Jane H. Macon", is written over a large, faint circular stamp or seal.

JANE H. MACON  
City Attorney

JHM:ck



# San Antonio Water System

April 30, 1999

Ms. Sherry A. Evans  
4351 Desert View  
San Antonio, Texas 78217

**RE: ACKNOWLEDGEMENT OF VESTED SEWER CAPACITY RIGHTS (PURSUANT TO AN EXISTING SEWER SERVICE CONTRACT) FOR A 14.93 ACRE TRACT (FIESTA VIEW SUBDIVISION, PLAT #940550) FOR S.A. EVANS AND ASSOCIATES, INC., PROFIT SHARING PLAN.**

Dear Ms. Evans:

The San Antonio Water System received a copy of a Special Warranty Deed (between the First Madison Bank, FSB, receiver for Gibraltar Savings Association (previous property owner)), in which the 14.93-acre tract property was sold and conveyed along with the vested capacity rights, to S.A. Evans and Associates, Inc., Profit Sharing Plan (current property owner/developer).

S.A. Evans and Associates, Inc., Profit Sharing Plan (current property owner/developer) has provided documentation indicating that no third parties have reserved an interest in the property in question and that S.A. Evans and Associates Inc., Profit Sharing Plan agrees to not hold the San Antonio Water System for any third party claims, if any, to the vested capacity rights in the sewer collection system reserved for such 14.93 acre tract.

Therefore the San Antonio Water System recognizes and acknowledges that S.A. Evans and Associates, Inc., Profit Sharing Plan (current property owner/developer) has vested sewer capacity rights in the amount of 99.538 EDUs for the 14.93-acre tract. The vested capacity rights are pursuant to City Ordinance #49445 (original sewer service contract between City of San Antonio and Kuper Properties Inc., original developer), which was passed and approved by City Council on June 1, 1978. Subsequently, such contract was assigned to Gibraltar Savings Association on April 16, 1979.

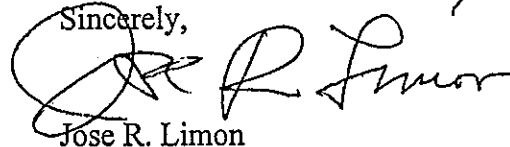
Should the Fiesta View Subdivision (Plat #940550) require additional EDUs in excess of the vested sewer capacity rights (99.538 EDUs) for the 14.93 acre tract, then the San Antonio Water System shall require S.A. Evans and Associates Inc., Profit Sharing Plan (current property owner/developer) to enter into a new sewer service contract for the additional EDUs.

Additionally, if this property is desiring a multifamily development, this office uses the formula of two (2) apartment units equal to one (1) equivalent dwelling unit or 300 gallons per day average flow per EDU.



Should you have any further questions regarding this issue or regarding a sewer service contract, please feel free to call Santa G. Rivas at (210) 704-7185 or fax the inquiry to (210) 704-7028.

Sincerely,

A handwritten signature in black ink, appearing to read "Jose R. Limon". The signature is fluid and cursive, with a large initial "J" and "L".

Jose R. Limon

Manager

Development Services Division

Infrastructure Planning

Engineering Group

JRL:SGR

CC: Claudia Luna, Engineer-Development Engineering Division

Plat File

File

CMD: 260 PLAT: 1994000550 NAME/KEY: \_\_\_\_\_ AGENCY: PLAN \_\_\_\_\_

=====

PLAT NBR: 1994000550 PLAT NAME: FIESTA VIEW

APPLICATION DATE:	8 24 1994	EXPIRATION DATE:	8 23 1998
REPLAT PUBLIC HEARING DATE:	— — —	REPLAT EXPIRATION:	— — —
DEFERRAL APPROVAL DATE:	— — —	DEFRL NOTFC DATE:	— — —
NOTIFICATION DATES:	—	DEFRL EXP DATE:	— — —

FILING DATE:	8 26 1998	FILING EXPIRATION:	9 25 1998
PC DATE:	— — —	APPROVED(Y/N):	Y
DIRECTOR DATE:	9 14 1998	APPROVAL EXPIRATION:	9 13 2001
POSTPONEMENT/WITHDRAWAL:	— — —	TIME EXT EXPIRATION:	9 13 2003
		DATE TIME EXT GRANTED:	8 14 2002

COUNTY STATUS (A/D/P): \_

RECORDATION DATE: 4 23 2003

PC NOTES: PD NEW FEES TO EXTND APPL FOR 2 YEARS 7-29-96 PC GRNTD 1 YR  
EXT TO PAY SWR IMP FEE. 8/8/01. PC GRNTD 1 MORE YR 8-14-02, \_  
THIS IS LAST EXTENSION. JAY \_\_\_\_\_

=====

'PF3' MENU

SA EVANS & ASSOCIATES, INC.

1076

13406 GABLE VILLAGE  
SAN ANTONIO, TX 78231  
210-479-1010

DATE 10-13-03

30-9/1140  
20

PAY  
TO THE  
ORDER OF

City of San Antonio Planning Dept \$ 100.00  
One hundred & no/100 DOLLARS



Frost National Bank  
San Antonio, Texas 78296

FOR

United Rights Fund  
Plot # 940550

James Ross

⑆001076⑆

⑆114000093⑆

200111481⑆